



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,164	03/04/2002	Stephen V. Saliga	72255/10941	5559

23380 7590 08/14/2003

ARTER & HADDEN, LLP  
1100 HUNTINGTON BUILDING  
925 EUCLID AVENUE  
CLEVELAND, OH 44115-1475

EXAMINER

LE, HOANGANH T

ART UNIT	PAPER NUMBER
----------	--------------

2821

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,164

Applicant(s)

SALIGA et al

Examiner

HOANGANH LE

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

### DETAILED ACTION

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the configurable antenna system is rotatably mounted" of claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and

distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "the configurable antenna system" has no antecedent basis.

In claim 5, "the diversity antenna" has no antecedent basis.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Vannatta et al (the US Patent No. 5,649,306).

The Vannatta et al reference teaches in figures 3 and 6 a diversity antenna system, comprising: a near omni-directional antenna 213 ; an internal patch antenna 212 (59 figure 3); and configuration means 221 for selecting antenna type, the antenna type being one of the group consisting of the near omni-directional antenna and the internal patch

antenna (figure 6). The configuration means is one of the group consisting of: a mechanical detect switch 221 operable to determine the antenna type to be deployed, and a microprocessor 298 having computer readable instructions stored on a computer readable medium (figure 6).

8. Claims 1,2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shober (the US Patent No. 5,649,306).

The Shober reference teaches in figures 9 and 10 a diversity antenna system, comprising: a near omni-directional antenna 1003 ; an internal patch antenna 1004; and configuration means 1002 for selecting antenna type, the antenna type being one of the group consisting of the near omni-directional antenna and the internal patch antenna (figure 10). The configuration means is one of the group consisting of: a mechanical detect switch 1002 operable to determine the antenna type to be deployed, and a microprocessor 200 having computer readable instructions stored on a computer readable medium (figure 10). The configurable antenna system is rotatably mounted (figure 6).

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth

in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shober (cited above) in view of Hori et al (the US Patent No. 5,594,455).

The Shober reference teaches every feature of the claimed invention, excluding the internal patch antenna comprising a TM 10 mode patch antenna.

The Hori et al reference teaches in figure 6a a patch antenna comprising a TM 10 mode patch antenna in order to improve the performance of the antenna.

Since one of ordinary skill in the art would recognize the benefit of improving the performance of the antenna, it would have been obvious to provide Shober with an internal patch antenna comprising a TM 10 mode patch antenna as taught by Hori et al.

*Allowable Subject Matter*

11. Claims 6-10 are allowed.
12. The following is a statement of reasons for the indication of allowable subject matter: none of the cited art discloses an internal, captured, rotatably mounted near omni-directional antenna; a circuit board mounted inside the access point, the circuit board comprising: a near omni-directional antenna, a TM 10 mode patch antenna; and a configuration means for selecting the antenna type, the antenna type being one of the

group of internal, captured, rotatably mounted near omni-directional antenna, the near omni-directional antenna and the TM 10 patch mode antenna.

*Correspondence*

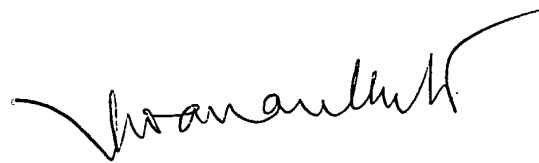
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Hoanganh Le whose telephone number is (703) 308-4921.

14. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

15. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

---

*Hoanganh Le*  
Primary Examiner  
Art Unit 2821  
August 7, 2003



Hoanganh Le  
Primary Examiner